

Voluntary Acquisition Determination Entities without Power of Eminent Domain

Name of Grantee/Sponsor:

Name and Address of Property. (Do a determination for each property unless purchased together)

Brief Description of Project:

Circle Funding Sources: HOME, CDBG, HOPWA, SHP, NSP, CDBG-R, Pub.Hsing, Sect 811/202

Issue Being Determined: Whether acquisition is exempt from Subpart B of the URA.

Criteria Being Applied: 49 CFR 24.101(b) (1), HUD Handbook 1378 (5-3) Appendix

Analyze the answers to the following questions and review supporting documentation:

1. Is the entity that purchased the property a non-profit housing developer, for-profit developer, other non-profit entity)? If yes, answer questions# 2 and 3. If purchaser is a government entity, see template for voluntary acquisition with power of eminent domain
2. Did the entity have an agreement with a government agency with the power of eminent domain to obtain a specific parcel for a HUD funded project? If yes, will agency invoke eminent domain under any circumstances or provide eminent domain tax letters to property owners? Review the agreement, agency resolutions and other project documents If yes, acquisition is not voluntary.
3. Did the file document that the buyer send a letter to the seller that:
 - a. States that the entity does not have the power of eminent domain or will not be able to acquire the property if negotiations fail to come to an amicable agreement?
 - b. Shows the estimated market value and the amount of the offer?
 - c. Was personally delivered or sent USPS return receipt requested? (Email is unacceptable).
 - d. Was sent to the owner personally (or to designated attorney) and not a real estate broker.
 - e. Was sent prior to the purchase agreement? If not, was the seller allowed the opportunity to withdraw from the agreement? (Wording on the purchase agreement is not acceptable).

Rationale for Determining Acquisition Is Exempt from Subpart B of the URA.

Authorized Official's Signature

AUTHORIZED OFFICIAL'S NAME AND TITLE

Date of Determination

List of Supporting Documents attached to support conclusion: Agreements, agency resolutions, letters to owners and, redevelopment plan if appropriate.